

Listing of Claims:

Claims 1 through 14 (Canceled).

15. (Currently amended) A lithium cell or battery comprising at least one positive electrode, and at least one counter negative electrode, such positive and negative counter electrodes alternately layered with separators interposed between such counter electrodes and an electrolyte dispersed therein wherein the positive electrode is comprised of a metal phosphate active material selected from the group consisting of lithium vanadium phosphate and  $\text{LiFe}_{1-x}\text{MgPO}_4$  wherein x is from about 0.01 to about 0.15 and wherein the electrolyte comprises a metal salt and a solvent mixture comprised of ethylene carbonate, propylene carbonate, diethyl carbonate and ethyl methyl carbonate.

Claims 16 through 17 (canceled)

18. (original) A battery according to claim 15 wherein the ethyl methyl carbonate is present in an amount from about 10 to about 80 wt %.

19. (original) A battery according to claim 18 wherein the ethylene carbonate is present in an amount from about 20 to about 80 wt %.

20. (original) A battery according to claim 19 wherein the propylene carbonate is present in an amount from about 2 to about 20 wt %.

21. (original) A battery according to claim 20 wherein the diethyl carbonate is present in an amount from about 2 to about 30 wt %.

22. (original) A battery according to claim 15 wherein the ethyl methyl carbonate is present in an amount from about 10 to about 40 wt %.

23. (original) A battery according to claim 22 wherein the ethylene carbonate is present in an amount from about 50 to about 70 wt %.

24. (original) A battery according to claim 23 wherein the ethylene carbonate is present in an amount of about 60 wt %.

25. (original) A battery according to claim 24 wherein the propylene carbonate is present in an amount from about 2 to about 10 wt %.

26. (original) A battery according to claim 25 wherein the propylene carbonate is present in an amount of about 5 wt %.

27. (original) A battery according to claim 26 wherein the diethyl carbonate is present in an amount from about 5 to about 30 wt %.

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28. (original) A battery according to claim 15 wherein the ethylene carbonate, propylene carbonate, diethyl carbonate, and ethyl methyl carbonate are present in amounts of about 60:5:10:25 wt %.

29. (original) A battery according to claim 15 wherein the ethylene carbonate, propylene carbonate, diethyl carbonate, and ethyl methyl carbonate are present in amounts of about 60:5:25:10 wt %.

30. (original) A battery according to claim 15 wherein the ethylene carbonate, propylene carbonate, diethyl carbonate and ethyl methyl carbonate are present in amounts of about 60:5:5:30 wt %.

31. (currently amended) A battery according to claim ~~46~~ 15 wherein the ethyl methyl carbonate is present in an amount from about 10 to about 40 wt %.

32. (original) A battery according to claim 31 wherein the ethylene carbonate is present in an amount from about 30 to about 70 wt %.

33. (original) A battery according to claim 32 wherein the propylene carbonate is present in an amount from about 2 to about 20 wt %.

34. (original) A battery according to claim 33 wherein the diethyl carbonate is present in an amount from about 2 to about 30 wt %.

35. (currently amended) A battery according to claim 46 15 wherein the ethyl methyl carbonate is present in an amount from about 10 to about 30 wt %.

36. (original) A battery according to claim 35 wherein the ethylene carbonate is present in an amount from about 50 to about 70 wt %.

37. (original) A battery according to claim 36 wherein the ethylene carbonate is present in an amount of about 60 wt %.

38. (original) A battery according to claim 37 wherein the propylene carbonate is present in an amount from about 2 to about 10 wt %.

39. (original) A battery according to claim 38 wherein the propylene carbonate is present in an amount of about 5 wt %.

40. (original) A battery according to claim 39 wherein the diethyl carbonate is present in an amount from about 5 to about 30 wt %.

41. (currently amended) A battery according to claim 46 15 wherein the ethylene carbonate, propylene carbonate, diethyl carbonate, and ethyl methyl carbonate are present in amounts of about 60:5:10:25 wt %.

42. (currently amended) A battery according to claim 46 15 wherein the ethylene carbonate, propylene carbonate, diethyl carbonate, and ethyl methyl carbonate are present in amounts of about 60:5:25:10 wt %.

43. (currently amended) A battery according to claim 46 15 wherein the ethylene carbonate, propylene carbonate, diethyl carbonate and ethyl methyl carbonate are present in amounts of about 60:5:5:30 wt %.

Claim 44 through 61 (canceled)